

United States District Court
For The District of Massachusetts
Boston Division
1 Courthouse Way - Suite 2300
Boston Massachusetts 02210

United States of America v/s Joseph Marion Head Reg. No. 17549-056 Respondent	Civil Case Number Re: Civil Commitment Under 18 U.S.C. 4245(d) Etc.
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Motion To Allow Untimely Appeal To The First Circuit Court of Appeals From The Final Orders of Fed. Judge, Tauro, dated Nov. 17th, 2003.

Reason Why Notice of Appeal Was Not Timely Filed.

1- Ineffective Assistance of Counsel. See, Wouser v United States S.D. Iowa 1970, 318 F. Supp 175. Movant told his defense counsel Mr. William Brown prior to the hearing that if the judge committed him, he wanted to appeal and to present on the appeal all claims, grounds, motions, etc. prior asserted within the prison and court records relating to his state and federal court cases, etc. relating thereto. Further told said attorney he wanted all the aforesaid presented and represented in the district court hearing relating to

Reg. No. 17549-056

N-2 cell 219

Fed. Med. Center Devens

Post Office Box 849

Ayer, Ma. 01432

SCREENED

No. Miscellaneous Business Docket plus
United States District Court
1 CourtHouse Way - Suite 230
Boston, Massachusetts, 02201

Legal Mail

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Movant hereof. Said attorney informed movant that he was not appointed for that purpose and by law did not have to present and represent the aforesaid at movants hearing Nov. 17th, 2003.

Mr. Brown Not the Court wrote movant and informed movant of his rights to appeal and for appointment of counsel. Movant therefore did not know he had a legal right to appeal and for appointment of counsel or for appeal. Movant did not waive nor abandoned a Known rights of Appeal And To Appointment of Counsel For the Appeal.

Prior to and at the Hearing conducted on Nov. 17th, 2003 in Boston, Movant requested and demanded his attorney be removed from his case because said attorney was not prepared to represent movant and was not competent to represent movant and was ineffectively, because of insufficient time allowed him to prepare in and for other reasons evident by the court records etc. as to the representation received and not received in movants case.

That at the Nov. 17, 2003 hearing aforesaid, Mr. Brown Presented No Evidence Nor Witnesses in favor of movant and did not allow movant to testify nor talk to him nor the judge during

.....
Restricted Spending Limit: \$0.00

Restricted Expended Amount: \$0.00

Restricted Remaining Spending Limit: \$0.00

Restriction Start Date: N/A

Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
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Comments

Comments:

said hearing and the court did not allow a Hybrid Defense. Why Not? Legality of same? Movant was denied and deprived of his due process rights stated in 18 U.S.C. 4247 as is evident by prison and court records and the aforesaid related herein and therefore the commitment is and was illegal and violative of law and constitution and the rights and privileges of movant.

Further see all matters etc. relating to the Due Process Hearing Conducted Dec. 1, 2003 at F.M.C. Devens which further violated the rights and privileges of movant.

Further see all matters etc. relating to the Annual Case Summary's And Etc. Thereto which relates to movant and the aforesaid, and some back grounds of movant, all of which so prejudicially written, etc., to constitute several violations of movants rights and privileges, further Doctor Thompson testified at the hearing Nov. 17th, 2003 and at the Due Process Hearing Dec. 1, 2003 and etc. as related of prison and court records. Further movant has filed complaints in the Court and on cop outs against Doctor Thompson, Etc. Staff, See Records.

Did Doctor Thomson have a legal right to write annual case summary on me as wrote 10-12-04 and etc. as wrote and divorced and ordered by Doctor Thompson?

Outstanding Negotiable Instruments: \$0.00
 Administrative Hold Balance: \$0.00
 Available Balance: \$50.70
 National 6 Months Deposits: \$252.84
 National 6 Months Withdrawals: \$202.22
 National 6 Months Avg Daily Balance: \$5.86
 Local Max. Balance - Prev. 30 Days: \$50.70
 Average Balance - Prev. 30 Days: \$10.16

Commissary History

Purchases

Validation Period Purchases: \$71.75
 YTD Purchases: \$133.35
 Last Sales Date: 12/7/2004 12:28:26 PM

SPO Information

SPO's this Month: 0
 SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
 Weekly Revalidation: No
 Spending Limit: \$340.00
 Expended Spending Limit: \$34.75
 Remaining Spending Limit: \$305.25

Commissary Restrictions

Spending Limit Restrictions

Issues To Be Presented On The Appeal

The Court is referred to the, prison, medical, phy., court and other records relating to and for movant, from December 2nd 1946 forward and determine therefrom what can and can not be presented on this appeal and why. The Court do this with the assistance, etc. of counsels, etc appointed by the Court for that purpose and to represent movant thereto and on appeal and hereto and etc. relating hereto and thereto the aforesaid herein.

Respectfully Presented On This The 27th day of December 2004.

Signed, Joseph Marion Head junior, Reg. No. 175
49-056 - N-2 Cell 219 - Fed. Med. Center Devens,
Ayer, Massachusetts, 01432

Miscellaneous Business Docket Judge For U.S.D.C.-Ma,
File And Process This Motion Aforesaid
In Accordence With Judge Stearns Order 8, Dec. 2004
a copy of same is herewith.

The aforesaid motion is presented in good faith and
for just cause and just reasons.

Consider the aforesaid as if properly Notarized.
Signed, Joseph Marion Head junior aforesaid
on 12-27-04

Date Mailed To Court 12-27-04

Inmate Inquiry

Inmate Reg #:	17549056	Current Institution:	Devens FMC
Inmate Name:	HEAD, JOSEPH	Housing Unit:	N SOMP
Report Date:	12/21/2004	Living Quarters:	N02-219U
Report Time:	10:35:50 AM		

[General Information](#) | [Account Balances](#) | [Commissary History](#) | [Commissary Restrictions](#) | [Comments](#)

General Information

Administrative Hold Indicator: No

No Power of Attorney: No

Never Waive NSF Fee: No

Max Allowed Deduction %: 100

PIN: 5438

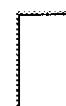
FRP Participation Status: ExemptTmp

Arrived From:

Transferred To:

Account Creation Date: 2/15/2002

Local Account Activation Date: 7/1/1991



Sort Codes:

Last Account Update: 12/17/2004 5:29:19 AM

Account Status: Active

ITS Balance: \$0.00

FRP Plan Information

FRP Plan Type Expected Amount Expected Rate

Account Balances

Account Balance:	\$50.70
Pre-Release Balance:	\$0.00
Debt Encumbrance:	\$0.00
SPO Encumbrance:	\$0.00
Other Encumbrances:	\$0.00



UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
JOHN JOSEPH MOAKLEY COURTHOUSE
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MASSACHUSETTS 02210



December 14, 2004

Mr. Joseph M. Head, Jr.
Reg. No. 17549-056
FMC Devens
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

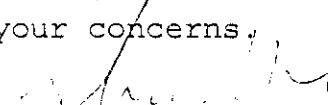
The Clerk received your correspondence seeking information on the three notices of appeal you recently filed.

The Court's records indicate that by Order dated November 30, 2004, Judge Stearns ordered the clerk to enter the Notices of Appeal in the following actions: (1) Head v. United States, et al., C.A. No. 04-40083-RGS; (2) Head v. Unknown Parties, et al., C.A. No. 04-40090-RGS; and (3) Head v. America, et al., C.A. No. 04-40103-RGS.

Enclosed please find courtesy copies of the docket sheets for these three cases and note that the docket for each case indicates the case is on appeal. After the district court transmits the files to the Court of Appeals for the First Circuit, you will be notified of the appeals court case numbers.

Finally, I am enclosing a copy of the December 8th Memorandum and Order issued by Judge Stearns in Head v. Winn, C.A. No. 04-40084-RGS. This order requires you to obtain approval of the Miscellaneous Business Docket Judge before filing any documents with this Court. In the future, if you wish to file any documents in the District of Massachusetts, the Memorandum and Order requires you to file a written petition accompanied by a copy of the December 8th Memorandum and Order together with the papers sought to be filed and a certification under oath that there is a good faith basis for their filing.

I hope that this letter addresses your concerns.


Barbara Morse
Pro Se Office

Gifts From Q Brothers, Amount, N/A
Institutional Job. At Z. M. C. Denies
Amount - N/A

4. Do you have any cash or checking or savings accounts? Yes No

If "Yes," state the total amount. \$15.65

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No *Ct. S denied relief prior*

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

None

12-27-04

Date

Signature of Applicant

Joseph Marion Head Jr. - 17549-056

NOTICE TO PRISONER: A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH MARION HEAD,)
Petitioner,)
)
v.) C.A. No. 04-40084-RGS
)
DAVID L. WINN,)
Respondent.)

MEMORANDUM AND ORDER

By Order dated September 17, 2004, the court instructed the Clerk to docket no further filings submitted by Joseph Marion Head without the prior approval of the court. See 9/17/04 Order, Docket No. 5.

For the reasons set forth below, the Clerk is directed to return to petitioner the documents that were received for filing after the issuance of the court's September 17th Order.

DISCUSSION

Petitioner Joseph Marion Head is a federal prisoner¹ now confined to FMC Devens in Ayer, Massachusetts. Despite the issuance of an injunction on September 17th, Mr. Head has continued to submit documents for filing. Upon review of these submissions, the court finds the documents, save one

¹Petitioner is now serving a 360-month sentence that was imposed pursuant to his convictions on nine counts of mailing threatening communications in violation of 18 U.S.C. § 876. See United States v. Head, No. 98-cr-102-ALL (W.D. N.C. Sept. 10, 2004).

UNITED STATES DISTRICT COURT

Boston Massachusetts
United States of America

District of Massachusetts

Plaintiff

v.

Joseph Marion Head
 Reg. No. 17549-056
 Defendant, Respondent

APPLICATION TO PROCEED
 WITHOUT PREPAYMENT OF
 FEES AND AFFIDAVIT

CASE NUMBER:

I, Joseph Marion Head Jr. declare that I am the (check appropriate box)
 petitioner/plaintiff/movant other Appellant

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration J. M. C. Devens

Are you employed at the institution? Yes Do you receive any payment from the YES

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. J. M. C. Devens Ed. Dept.
ORD. \$20.00 About a month.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

pleading concerning the denial of a petition for writ of certiorari by the Supreme Court of the United States, to be duplicative of the claims raised in Civil Action Nos. 04-40042-RGS and 04-40084-RGS. Because I find these documents to be duplicative and malicious under the authority of 28 U.S.C. § 1915A,² the court will direct the clerk to return these documents to Joseph Marion Head.

QB:EP

Based upon the foregoing, it is hereby

ORDERED that in accordance with this Court's order dated September 17, 2004, the clerk shall return to Joseph Marion Head the documents submitted for filing since September 17, 2004; and it is further

ORDERED that petitioner Joseph Marion Head be precluded from filing any additional papers, claims, cases, files, complaints, or anything resembling those pleadings, or any other documents in the United States District Court for the District of Massachusetts, in any manner, way or form, without first obtaining the prior written approval of the Miscellaneous Business Docket Judge of the United States

² 28 U.S.C. § 1915A provides in pertinent part:

- (a) Screening --The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a government entity.
- (b) Grounds for Dismissal.--On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint--
 - (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or
 - (2) seeks monetary relief from a defendant who is immune from such relief.

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District Court for the District of Massachusetts; and it is further

ORDERED that if petitioner Joseph Marion Head undertakes to file any additional papers in this Court, he shall file a written petition seeking leave of court to do so. The petition must contain a copy of this Memorandum and Order, together with the papers sought to be filed, and a certification under oath that there is a good faith basis for their filing. The Clerk of Court shall accept the documents, mark them received, and forward them to the Miscellaneous Business Docket Judge for action on the petition; and it is further

ORDERED that petitioner Joseph Marion Head is advised that failure to comply with these requirements may result in the imposition of additional sanctions, including monetary fines.

SO ORDERED.

Dated at Boston, Massachusetts, this 8th day of December, 2004.

/s/ Richard G. Stearns
RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE